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7

8 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. **2013-157**

11 **KIMBERLE L. ADDISON, AKA**
12 **KIMBERLE LAVON DAVIS**
13 **1124 E. Millmont Street**
Carson, CA 90746

A C C U S A T I O N

14 **Registered Nurse License No. 416294**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about August 31, 1987, the Board of Registered Nursing (Board) issued
23 Registered Nurse License Number 416294 to Kimberle L. Addison, aka Kimberle Lavon Davis
24 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to
25 the charges brought herein and will expire on July 31, 2013, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board under the authority of the following
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

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1 9. California Code of Regulations, Title 16, section 1443.5 states:

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3 A registered nurse shall be considered to be competent when he/she
4 consistently demonstrates the ability to transfer scientific knowledge from social,
5 biological and physical sciences in applying the nursing process, as follows:

6 (1) Formulates a nursing diagnosis through observation of the client's physical
7 condition and behavior, and through interpretation of information obtained from the
8 client and others, including the health team.

9 (2) Formulates a care plan, in collaboration with the client, which ensures that
10 direct and indirect nursing care services provide for the client's safety, comfort,
11 hygiene, and protection, and for disease prevention and restorative measures.

12 (3) Performs skills essential to the kind of nursing action to be taken, explains
13 the health treatment to the client and family and teaches the client and family how to
14 care for the client's health needs.

15 (4) Delegates tasks to subordinates based on the legal scopes of practice of the
16 subordinates and on the preparation and capability needed in the tasks to be
17 delegated, and effectively supervises nursing care being given by subordinates.

18 (5) Evaluates the effectiveness of the care plan through observation of the
19 client's physical condition and behavior, signs and symptoms of illness, and reactions
20 to treatment and through communication with the client and health team members,
21 and modifies the plan as needed.

22 (6) Acts as the client's advocate, as circumstances require, by initiating action
23 to improve health care or to change decisions or activities which are against the
24 interests or wishes of the client, and by giving the client the opportunity to make
25 informed decisions about health care before it is provided."

26 COST RECOVERY

27 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
28 administrative law judge to direct a licensee found to have committed a violation or violations of
the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
enforcement of the case.

29 PATIENT 1

30 11. From about February 2007 to February 2011, Respondent was employed as a night
31 shift registered nurse in the Telemetry Unit at St. Francis Medical Center. On or about January
32 21, 2011, Patient 1 was admitted to the Telemetry Unit at St. Francis Medical Center with
33 abnormal troponin, acute febrile illness, severe anemia and weakness. The patient had a history
34 of end stage renal disease, hypertension, pneumonia, sepsis and recently started on dialysis.

1 During Patient 1's hospitalization up to January 31, 2011, Patient 1's heart rate was generally
2 between 90 to the low 100s.

3 12. On or about January 31, 2011, C.M. was the Relief Charge Nurse in the Telemetry
4 Unit. Respondent was assigned as the primary nurse for Patient 1. At about 4:00 a.m., Charge
5 Nurse C.M. was assigned to watch the monitors while the monitor technician was on break.
6 Respondent was seated behind Charge Nurse C.M. in front of the computer.

7 13. At about 3:54 a.m., Patient 1's monitor alarmed due to an increase of heart rate to
8 105. At about 4:45 a.m., the patient's monitor alarmed a second time. Charge Nurse C.M.
9 notified Respondent that the patient's heart rate was in the 40s and asked if this was normal for
10 this patient. Respondent replied it was normal as this patient's heart rate ranged between 40-50.
11 Respondent did not check on the patient. At about 4:51 a.m., the patient's monitor alarmed when
12 the patient's heart rate dropped to 39. Charge Nurse C.M. again requested Respondent to check
13 on her patient. Respondent did not check on the patient. At about 4:52 a.m., the patient's heart
14 rate dropped to 38. Charge Nurse C.M. alerted Respondent again. Respondent checked the
15 patient who was unresponsive already. Code Blue was called and the patient was pronounced
16 dead at about 6:24 a.m.

17 **FIRST CAUSE FOR DISCIPLINE**

18 **(Unprofessional Conduct - Gross Negligence)**

19 14. Respondent is subject to disciplinary action under Code section 2761, subdivision
20 (a)(1), in conjunction with California Code of Regulations, title 16, section 1442 on the grounds
21 of unprofessional conduct, in that Respondent committed gross negligence in her care of Patient
22 1. The circumstances are as follows, and as alleged in paragraphs 11-13, which are incorporated
23 herein by reference:

24 15. On or about January 31, 2011, Respondent ignored warnings from Charge Nurse
25 C.M. to provide immediate care to Patient 1 when Patient 1's heart rate dropped to the 40s and
26 30s.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Incompetence)**

3 16. Respondent is subject to disciplinary action under Code section 2761, subdivision
4 (a)(1) in conjunction with California Code of Regulations, title 16, section 1443 on the grounds of
5 unprofessional conduct, in that Respondent demonstrated incompetence in her care of Patient 1.
6 The circumstances are as follows, and as alleged in paragraphs 11-13, which are incorporated
7 herein by reference:

8 17. On or about January 21, 2011, when Charge Nurse C.M. notified Respondent that
9 Patient 1's heart rate was in the 40s, Respondent replied that it was within the normal range.

10 **PRAYER**

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
12 and that following the hearing, the Board of Registered Nursing issue a decision:

13 1. Revoking or suspending Registered Nurse License Number 416294, issued to
14 Kimberle L. Addison, aka Kimberle Lavon Davis;

15 2. Ordering Kimberle L. Addison to pay the Board of Registered Nursing the reasonable
16 costs of the investigation and enforcement of this case, pursuant to Business and Professions
17 Code section 125.3;

18 3. Taking such other and further action as deemed necessary and proper.

19 DATED: September 5, 2012

20 Louise R. Bailey
21 LOUISE R. BAILEY, M.ED., RN
22 Executive Officer
23 Board of Registered Nursing
24 Department of Consumer Affairs
25 State of California
26 Complainant

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